

TWENTY-NINTH DAY
(Wednesday, March 1, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris, Sims.

A quorum was announced present.

The Reverend Don G. Cyphers, Pastor, Pleasant Bethany Baptist Church, Elgin, offered the invocation as follows:

Precious Lord our Father, Father of our Lord and Saviour, Jesus Christ, we pray today that Thy will be done upon us as it is in heaven. We thank You, God, for allowing us to come together today, assembling ourselves in the east room of the Capitol. We pray, God, that Thy spirit will move us to make the right decision, for we know that You will give us understanding in the midst of difficult situations. We pray, Father, to guide us, keep us, and always protect us. This we pray in Jesus' name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Harris was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 213

On motion of Senator Sims and by unanimous consent, Senator Nelson will be shown as Co-author of **S.B. 213**.

CO-AUTHOR OF SENATE BILL 338

On motion of Senator Zaffirini and by unanimous consent, Senator Nelson will be shown as Co-author of **S.B. 338**.

CO-AUTHOR OF SENATE BILL 396

On motion of Senator Sims and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 396**.

CO-AUTHORS OF SENATE BILL 769

On motion of Senator Wentworth and by unanimous consent, Senators Barrientos and Lucio will be shown as Co-authors of **S.B. 769**.

LETTERS OF AUTHORIZATION

THE SENATE OF THE STATE OF TEXAS

February 24, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 689**

Dear Governor Bullock:

The above referenced Senate Bill is a bill that I have filed and that is being co-authored by Senator Buster Brown.

I am designating Senator Brown to act on my behalf in regard to the above numbered bill and, during my absence, authorize management, control, and the procession of the said bill at Senator Brown's discretion; please allow this letter to be indicative of this intention.

Sincerely,

/s/Bill Sims
State Senator

THE SENATE OF THE STATE OF TEXAS

February 27, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 741, S.B. 742, S.B. 743**

Dear Governor Bullock:

The above referenced Senate Bills are bills that I have filed and that are being co-authored by Senator J. E. "Buster" Brown.

I am designating Senator Brown to act on my behalf in regard to the above numbered bills and, during my absence, authorize management, control, and the procession of the said bills at Senator Brown's discretion; please allow this letter to be indicative of this intention.

Sincerely,

/s/Bill Sims
State Senator

THE SENATE OF THE STATE OF TEXAS

February 27, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 699, S.B. 700**

Dear Governor Bullock:

The above referenced Senate Bills are bills that I have filed and that are being co-authored by Senator Eddie Lucio.

I am designating Senator Lucio to act on my behalf in regard to the above numbered bills and, during my absence, authorize management, control, and the procession of the said bills at Senator Lucio's discretion; please allow this letter to be indicative of this intention.

Sincerely,

/s/Bill Sims
State Senator

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Jack Haley and his wife, Ann, of Houston, were introduced to the Senate by Senator Henderson.

The Senate expressed appreciation and gratitude to Dr. Haley for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE HOUSE

House Chamber
March 1, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 60, Declaring February 28 and March 1, 1995, as Longview-Tyler Days at the State Capitol.

H.C.R. 103, Recognizing the observance of Women's History Month.

S.C.R. 66, Declaring support of the El Paso region as the pilot site for the Intermodal Installation Program.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

H.C.R. 8**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 41 by Wentworth State Affairs
Proposing a constitutional amendment to reserve to the people the powers of initiative and referendum.

S.B. 368 by Armbrister State Affairs
Relating to the continuation and functions of the Equine Research Account Advisory Committee.

S.B. 711 by Luna Education
Relating to the administration of the Texas Guaranteed Student Loan Corporation.

S.B. 798 by West Criminal Justice
Relating to a referendum on legalizing the carrying of concealed handguns.

S.B. 799 by Luna, Moncrief Health and Human Services
Relating to harm reduction programs to reduce the risk of transmission HIV infection of acquired immune deficiency syndrome.

S.B. 800 by Haywood State Affairs
Relating to the licensing of plumbing inspectors.

S.B. 801 by Haywood Economic Development
Relating to the distribution of an award of exemplary damages.

S.B. 802 by Harris Jurisprudence
Relating to the creation of municipal courts of record in Crowley.

S.B. 803 by Harris Jurisprudence
Relating to the creation of municipal courts of record in Kennedale.

S.B. 804 by Harris Jurisprudence
Relating to preparation of certain secondary loan documents by an attorney.

S.B. 805 by Gallegos Health and Human Services
Relating to exempting certain youth camps from child-care licensing requirements.

S.B. 806 by Gallegos Criminal Justice
Relating to county programs for volunteers to be mentors and counselors for juveniles found to have engaged in conduct indicating a need for supervision.

S.B. 807 by Gallegos Criminal Justice
Relating to conditions of parole and release to mandatory supervision for certain inmates.

- S.B. 808** by Lucio Jurisprudence
Relating to the authority of innkeepers to refuse accommodations to persons in certain circumstances and to require certain financial guarantees.
- S.B. 809** by Lucio Economic Development
Relating to eligibility of public libraries for reduced telephone rates for distance learning activities.
- S.B. 810** by Lucio Natural Resources
Subcommittee on Agriculture
Relating to the Department of Agriculture's certification of Texas agricultural products and production processes and the imposition of penalties.
- S.B. 811** by Lucio, Sims Natural Resources
Subcommittee on Agriculture
Relating to liability for false disparagement of perishable food products.
- S.B. 812** by Cain Finance
Relating to the application of the motor vehicle sales tax in a transaction involving the lease of a motor vehicle.
- S.B. 813** by Henderson State Affairs
Relating to the exemption of certain peace officers from the requirements of the Private Investigators and Private Security Agencies Act.
- S.B. 814** by Brown Natural Resources
Relating to the requirement of commercial licenses to catch, unload, and sell aquatic products.
- S.B. 815** by Brown Economic Development
Relating to agreements between manufacturers or distributors of certain boats or outboard motors and dealers of those goods; providing a penalty.
- S.B. 816** by Barrientos Health and Human Services
Relating to registration requirements for family homes and to deed and zoning restrictions on family homes; providing penalties.
- S.B. 817** by Madla Education
Relating to a temporary exemption from the requirement to obtain a certificate of authority for certain private postsecondary educational institutions.
- S.B. 818** by Madla Economic Development
Relating to managed care plans.
- S.B. 819** by Madla State Affairs
Relating to the installation and maintenance by a railway company of an automatic gate at a railroad grade crossing.
- S.B. 820** by Madla Natural Resources
Relating to a solid waste permit exemption for certain facilities that incinerate medical waste.

- S.B. 821** by Madla Intergovernmental Relations
Relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill.
- S.B. 822** by Madla Natural Resources
Relating to the definition of low-level radioactive waste.
- S.B. 823** by Madla Natural Resources
Relating to standards for and accreditation of laboratories that perform work for the Texas Natural Resource Conservation Commission.
- S.B. 824** by Armbrister Jurisprudence
Relating to creation of the office of Refugio County district attorney.
- S.B. 825** by Armbrister Natural Resources
Relating to the creation of a license management program for certain commercial fishing.
- S.B. 826** by Armbrister State Affairs
Relating to permitting certain alcoholic beverage permit holders to provide alcoholic beverage samples.
- S.B. 827** by Armbrister Economic Development
Relating to solicitation transactions that take place outside a merchant's place of business.
- S.B. 828** by Armbrister State Affairs
Relating to investigations of criminal conduct in connection with an election under the Election Code.
- S.B. 829** by Ellis Economic Development
Relating to the establishment of market assistance programs by the Commissioner of Insurance.
- S.B. 830** by Luna Education
Relating to bonds issued by certain institutions of higher education.
- S.B. 831** by Luna State Affairs
Relating to the lease of property by the Department of Transportation for educational purposes.
- S.B. 832** by Wentworth State Affairs
Providing for the issuance of specially designed Texas license plates for the United States Olympic Committee.
- S.B. 833** by Madla, Lucio Finance
Relating to application of the sales and use tax to certain aircraft.
- S.B. 834** by Barrientos State Affairs
Relating to the punishment for the purchase, possession, or consumption of alcoholic beverages by a minor.
- S.B. 835** by Wentworth Criminal Justice
Relating to the imposition of a cost on conviction of a felony.

S.B. 836 by Luna Jurisprudence
Relating to the execution of wills by certain minors.

S.B. 837 by Brown Criminal Justice
Relating to television viewing by inmates and defendants in the custody of the Texas Department of Criminal Justice.

S.B. 838 by Brown Criminal Justice
Relating to the eligibility for release on mandatory supervision of certain inmates of the institutional division of the Texas Department of Criminal Justice.

S.B. 839 by Brown, Madla Criminal Justice
Relating to places where weapons are prohibited; creating an offense.

S.B. 840 by Brown, Madla, West Criminal Justice
Relating to the creation of an offense for the possession of certain weapons in a school zone.

SENATE CONCURRENT RESOLUTION 54

Senator Cain offered the following resolution:

S.C.R. 54, Congratulating the Lions football team of John Tyler High School and their coaches, trainers, managers, and athletic director for winning the 5A Division Championship and expressing best wishes for continued success in the future.

CAIN
NIXON
RATLIFF
SHAPIRO
WEST

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Cain and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate the head coach of the John Tyler High School Lions football team, Allen Wilson, and two of the team's players, Michael Price and Darwin Brown.

The Senate welcomed its guests.

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

**P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH LEGISLATURE, IN REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th Legislature, now convened:

Legislation necessary for the use of the balance of the inaugural fund.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 1st day of March, A.D. 1995.

/s/George W. Bush
Governor of Texas

ATTEST:

/s/Antonio O. Garza, Jr.
Secretary of State

(President in Chair)

GUESTS PRESENTED

Senator Turner was recognized and introduced to the Senate his aunt, Alma Turner Sevier, and congratulated her on her 89th birthday today.

The Senate welcomed Ms. Sevier and extended to her best wishes on her birthday.

HOUSE CONCURRENT RESOLUTION 60

The President laid before the Senate the following resolution:

H.C.R. 60, Declaring February 28 and March 1, 1995, as Longview-Tyler Days at the State Capitol.

RATLIFF
NIXON
CAIN

The resolution was read.

On motion of Senator Ratliff and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Tyler City Council member, Kevin Eltife; President, Tyler Chamber of

Commerce, Barbara Bass; Tyler Superintendent of Schools, Dr. Tom Hagler; Gregg County Judge Mickey Smith; Longview City Council member, James Hunt; and Longview Partnership Legislative Committee Chair, Linda League. These guests were here today in honor of Longview-Tyler Days.

The Senate welcomed its guests.

(Senator Truan in Chair)

SENATE BILL 614 REREFERRED

On motion of Senator Wentworth and by unanimous consent, **S.B. 614** was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Criminal Justice.

GUESTS PRESENTED

Senator West, joined by Senator Nelson, was recognized and introduced to the Senate a delegation from the City of Grand Prairie here in honor of Grand Prairie Day.

The Senate welcomed its guests.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
March 1, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 68, Requesting the State Preservation Board to provide for the placement in the Texas Capitol of a portrait of President George Bush.

S.C.R. 35, Authorizing the State Preservation Board to erect on the Capitol grounds, a memorial honoring Texans who fought and died in the Korean War.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate Minnette Managahas of the Texas Youth for Justice Summit from Memorial High School of Houston and her teacher Roberta Joyce Miller.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Rosson was recognized and introduced to the Senate Judith Ornelas of the Texas Youth for Justice Summit from Riverside High School in El Paso and her teacher John Guerrero.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:33 a.m. announced the conclusion of morning call.

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 460 ON SECOND READING**

Senator Lucio moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 460 be taken up for consideration at this time:

C.S.S.B. 460, Relating to license qualifications for certain inspectors regulated by the Texas Real Estate Commission.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 460 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 460 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

FLOOR PRIVILEGES GRANTED

On motion of Senator Armbrister and by unanimous consent, floor privileges were granted to staff members of Senator Sibley during the deliberation of C.S.S.B. 28.

**COMMITTEE SUBSTITUTE
SENATE BILL 28 ON SECOND READING**

Senator Sibley moved that the regular order of business and Senate Rule 7.12 be suspended and that C.S.S.B. 28 be taken up for consideration at this time:

C.S.S.B. 28, Relating to responsibility for, and recovery of, damages in certain civil actions. (Submitted by Governor as an emergency matter)

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Luna.

Absent-excused: Harris, Sims.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 28 on page 2, line 64 by adding the following sentence after the period: "This section shall not apply if the limitations period governing the claimant's action against the defendant joining the responsible third party is longer than the limitations period governing the claimant's action against the responsible third party."

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 28 on page 3, line 61 by deleting the period and inserting the following in lieu thereof: " , but not including any "drug" as defined in Section 82.005(d)(2), Civil Practice and Remedies Code."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Gallegos, and Luna asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 28 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Bivins, Brown, Cain, Ellis, Galloway, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Gallegos, Luna.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Gallegos, and Luna asked to be recorded as voting "Nay" on the final passage of the bill.

REASON FOR VOTE

Senator Gallegos submitted the following reason for vote:

Members, I wanted to take a moment to clarify my position on **S.B. 28**. I voted "NO" because I have some serious concerns about the environmental hazard and toxic tort suits threshold being set at 20 percent.

In my view, **S.B. 28** would be unfair to predominantly low-income or minority communities like mine in southeast Houston, because, historically, these kinds of neighborhoods have had a disproportionately high number of environmental problems.

There are families that live near the Port of Houston, where large chemical companies do business. In the event of a suit, this bill will allow a greater number of defendants to be brought into the suit, thus diluting the defendant's liability and diminishing any chances for compensation.

I acknowledge Senator Sibley's hard work and I appreciate his intent to create a fair bill. However, I felt strongly that a "NO" vote would best represent the interests of Senate District 6 and all low-income and minority communities across Texas.

GALLEGOS

PERSONAL PRIVILEGE STATEMENT

Senator Lucio submitted the following personal privilege statement:

For too long, the theory of "joint and several" liability has been based on the defendant's ability to pay rather than culpability. It seems patently unfair to me that a company that is found 11 percent at fault could be responsible for 100 percent of the award. Our current system places responsibility with the wealthiest party rather than the most responsible party. **S.B. 28** is a vast improvement over the status quo. I am confident that the reforms that we pass this session will create more equity in our civil justice system.

LUCIO

MESSAGE FROM THE HOUSE

House Chamber
March 1, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 24, Requesting the United States Congress to reconsider the requirement of stormwater discharge permits for cities having a population of fewer than 100,000.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 338 ON SECOND READING**

Senator Zaffirini moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 338 be taken up for consideration at this time:

C.S.S.B. 338, Relating to the involuntary termination of the parent-child relationship.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 338 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 338 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 329 ON SECOND READING

Senator Armbrister, on behalf of Senator Sims, moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 329 be taken up for consideration at this time:

S.B. 329, Relating to the management of certain wildlife or exotic animals from aircraft.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time.

Senator Armbrister, on behalf of Senator Sims, offered the following committee amendment to the bill:

Committee Amendment No. 1

Strike subsection (b) in Section 5. of S.B. 329 and substitute the following:

Section 5., Section 43.105, Parks and Wildlife Code is amended to read as follows:

(b) ~~A permit holder under this subchapter~~ ~~[An applicant for a permit to manage wildlife from an aircraft]~~ must submit a ~~[an application containing the]~~ landowner's authorization to manage wildlife or exotic

animals to the department identifying the land to be managed [for each land holding] and stating the kind and number of wildlife or exotic animals to be managed. The landowner's authorization may be submitted by a group of landowners, or by an association on behalf of such landowners.

Amend subsection (b) in Section 6. of S.B. 329 by adding the following:

Section 6., Section 43.106, Parks and Wildlife Code is amended by adding the following sentence to subsection (b):

(b) A landowner agreement application to manage wildlife may be approved by the department for the time period required to complete the management activity but not less than 1 year.

Strike Section 10. of S.B. 329 and substitute the following:

Section 10., Section 43.110, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.110. PERMIT FEE. The ~~[commission shall set a]~~ fee for a permit that authorizes ~~[the taking of depredating animals or]~~ the management of wildlife or exotic animals by the use of aircraft is \$200 or an amount set by the commission, not to exceed \$200.

The committee amendment was read.

On motion of Senator Armbrister, on behalf of Senator Sims, and by unanimous consent, the committee amendment was withdrawn.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 329 as follows:

(1) Strike Sections 5 and 6 of the bill and substitute the following:

SECTION 5. Section 43.105, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.105. APPLICATION FOR PERMIT. (a) An applicant for a permit under this subchapter shall file with the application one or more affidavits, containing facts as well as opinion, as to why the permit should be issued for ~~[the control of depredating animals or]~~ the management of wildlife or exotic animals by the use of aircraft.

(b) ~~A permit holder under this subchapter [An applicant for a permit to control depredating animals from an aircraft must submit an application containing the landowner's authorization to control depredating animals to the department for each land holding stating the kind and number of depredating animals to be controlled:~~

~~[(c) An applicant for a permit to manage wildlife from an aircraft] must submit a [an application containing the] landowner's authorization to manage wildlife or exotic animals to the department identifying the land to be managed and [for each land holding] stating the kind and number of wildlife or exotic animals to be managed. The landowner's authorization may be submitted by a group of landowners or by an association on behalf of such landowners.~~

SECTION 6. Section 43.106, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.106. FORM AND PERIOD OF VALIDITY OF PERMIT; RENEWAL. (a) The department shall prescribe the form and manner of issuance of, and periods of validity and renewal dates for, permits and landowner's authorizations authorized by this subchapter.

(b) ~~A landowner agreement application to manage wildlife or exotic animals may be approved by the department for the time period required to complete the management activity but not for less than one year [The department may issue a permit to control depredating animals for a period not to exceed one year and may renew a permit on a showing that the renewal is necessary.~~

~~[(c) The department may issue a permit to manage wildlife for a period not to exceed one year and may renew the permit on a showing that the renewal is necessary.~~

~~[(d) A landowner agreement application to manage wildlife may only be approved by the department on a case-by-case basis for the time period required to complete the management activity and under no circumstances to exceed 14 days].~~

(2) Strike Section 10 of the bill and substitute the following:

SECTION 10. Section 43.110, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.110. PERMIT FEE. The commission shall set a fee for a permit that authorizes ~~[the taking of depredating animals or]~~ the management of wildlife or exotic animals by the use of aircraft.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 329 ON THIRD READING

Senator Armbrister, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 329 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Rosson.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Rosson asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO PLACE SENATE BILL 196 ON SECOND READING

Senator Barrientos moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 196 be taken up for consideration at this time:

S.B. 196, Relating to the establishment of caseload standards for certain employees of the Texas Department of Human Services or the Department of Protective and Regulatory Services.

The motion was lost by the following vote: Yeas 15, Nays 14. (Not receiving four-fifths vote of membership)

Yeas: Barrientos, Cain, Ellis, Gallegos, Haywood, Lucio, Luna, Madla, Moncrief, Rosson, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Galloway, Henderson, Leedom, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Wentworth.

Absent-excused: Harris, Sims.

**COMMITTEE SUBSTITUTE
SENATE BILL 133 ON SECOND READING**

Senator Luna moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 133** be taken up for consideration at this time:

C.S.S.B. 133, Relating to fees charged by health care providers or health care facilities for certain medical or mental health records.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 133 ON THIRD READING**

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 133** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 549 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 549** be taken up for consideration at this time:

C.S.S.B. 549, Relating to the storage and sale of certain vehicles.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 549 ON THIRD READING**

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 549 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by a viva voce vote.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

Members, Teacher Retirement System of Texas Board of Trustees: RONALD G. STEINHART, Dallas County; DR. KATHRYN S. STREAM, Denton County; DR. LEE R. WILLIAMSON, Wichita County; DR. KNEELAND YOUNGBLOOD, Dallas County.

Members, Midwestern State University Board of Regents: ERVIN GARNETT, Tarrant County; EDWARD L. WATSON, Dallas County; KATHRYN ANNE YEAGER, Wichita County.

Members, Texas Cosmetology Commission: ROBIN DENISE CRUMP, Bell County; VIRGINIA G. DILLMAN, Dallas County.

Members, Texas State Board of Examiners of Professional Counselors: GRACIELA GUILLEN, El Paso County; ALICE BRAUD JONES, Harris County; DR. ANTHONY PAUL PICCHIONI, Dallas County.

Members, Texas County and District Retirement System Board of Trustees: JUDGE MAXINE DARST, Kaufman County; DAVID U. FLORES, Williamson County; SAM D. SEALE, Jackson County; NELDA WELLS SPEARS, Travis County.

Members, Texas Diabetes Council: RONALD A. KAPCHE, Harris County; JACQUELINE S. MARTIN, Harris County; GLENDA SHELTON, Henderson County; ROSA M. VALENZUELA, El Paso County; SARAH E. VILLEGAS, Bexar County.

Members, Texas State Board of Examiners of Dietitians: LUCILLE DiDOMENICO, Tarrant County; ETHELIND S. GIBSON, Nacogdoches County; ADA HARDEN, Travis County; DR. MARGARETTE LEGGITT HARDEN, Lubbock County; HELEN P. O'REILLY, Collin County.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider **S.B. 461** tomorrow.

MEMORIAL RESOLUTIONS

S.R. 339 - By Sims: In memory of Daphne Jones Brown of Lampasas.

S.R. 341 - By Montford: In memory of John Conrad Dunagan of Monahans.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 340 - By Sims, Haywood: Welcoming the delegation from the Texas Midwest Community Network for Texas Midwest Day in Austin.

H.C.R. 111 - (Bivins): Congratulating Helen Marie Angelo on the occasion of her 100th birthday.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:31 p.m. adjourned until 10:30 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 28, 1995

NATURAL RESOURCES — **S.B. 361, S.B. 650**

ECONOMIC DEVELOPMENT — **S.B. 478**

March 1, 1995

CRIMINAL JUSTICE — **C.S.S.B. 60**

INTERGOVERNMENTAL RELATIONS — **C.S.S.B. 609**

HEALTH AND HUMAN SERVICES — **S.B. 40, S.B. 351**

SENT TO GOVERNOR

(March 1, 1995)

S.C.R. 24**S.C.R. 64****THIRTIETH DAY**

(Thursday, March 2, 1995)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris, Sims.

A quorum was announced present.

The Reverend Dr. John K. Graham, Assistant to the Rector, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Almighty and everlasting God, on this the day we celebrate the independence of the State of Texas, we thank You for having blessed this state by placing men and women in government who have caring and concerned hearts. May they see with clarity the needs of the people they represent and have the wisdom and courage to make the difficult decisions they must make. Give them discernment in all they do—both public and private—so they may walk uprightly in all their affairs. Remove all division, strife, confusion, doubt, and fear from the midst of this chamber. May nothing hinder or divert these men and women from their noble task. All of this I ask in Your most holy and precious name to whom all honor and glory is due. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Harris was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.